

Greetings:

The following are comments filed with reference to **MB Docket No. 04-233**.

I am writing as a local engineer in the Albuquerque New Mexico and surrounding area radio market. I oversee a large corporate operation and have an intense passion for the radio broadcast medium. I also hope to one day start an over-the-air broadcast operation of my own.

Most of my involvement in radio is on the corporate side, however, I have many friends some of which own small broadcast operations and do not receive just recognition in the current environment of consolidation. These people as well as the corporate broadcasting operators have serious competitive issues ahead with new more diverse threats coming from small independent voices on the internet, large satellite broadcasters, digital television broadcasters now utilizing multiple digital streams, cable television and satellite television operators delivering hundreds of channels of music programs, and even cellular carriers who are broadcasting both television and radio broadcasts.

In this Rule Making, the Commission's general opinion is that radio stations are not adequately serving their communities with local programming responsive to local issues. I wholeheartedly disagree with this view point both from the large corporate broadcaster and the small local owner.

I agree some station owners may have a hard time fulfilling the needs of the community, but those same stations that do not have community support (ratings) will fail to produce revenue and will eventually need to transfer their broadcast license to someone who would have greater success. I see no need in interfering with this free market based model. It works well in many industries outside broadcast.

As to the amount of community-responsive programming a radio station should offer, shouldn't that be left to the supporters of the radio station in question? If a radio station fails to provide programming for its local audience then financial failure would be inevitable therefore requiring the licensee to transfer its license to a more capable group of programmers that would meet community needs. This represents free enterprise on which our great nation was founded on.

As to broadcasting from within a stations city of license I can cite numerous stations with small community assignments in which commercial establishments are discouraged or prohibited altogether through zoning. Typically these allocations have transmitters which are not located near the city in which it is licensed either. However under current rules that is completely acceptable if the signal places a "city grade" signal over the city of license. Why would this not be true of a studio? Most studios that are not in a city of license are considered local by being within a metropolitan area. In today's times most citizens of a

community do not work in the same community in which they live. In this case an allocation should not only be able to cover city of license but all commuting cities near a city of license. This would be nearly impossible with the current system of station class and contour overlap methodology. Now with the possibility of all digital operation this would not be as much an issue since theoretically we could have stations on every channel at the highest classification.

As to unattended operation the Commission has repeatedly ruled in the past in favor of modern technology. Technology has responded with more reliable, stable, and accurate systems for the control and operation of radio stations. The Emergency Alert System (EAS) for the most part works flawlessly in automatic mode when properly maintained and regularly tested. Transmitters now call engineers anytime when any of numerous readings are out of tolerance. Tower lights also use these monitoring systems immediately alerting engineers to file a NOTAM. What would we have to benefit from an individual "on duty" after hours at the radio station? I agree some think we should have individuals "live" in case of emergency, but, this is counter-intuitive as if there is a large scale event that warrants "live" coverage most stations call in talent, producers, and engineers to respond to these events usually in less than 1 hour time.

The proposal of AM rebroadcasting via FM translators I believe is a good one in the case of AM radio stations with low "flea power" nighttime authorization especially in the cases of interference from other countries. However I also believe many FM translators could be used to further the LPFM movement to allow more ownership diversity, especially in the case of "satellators" that offer no real improvement to the community.

As to the matter of Voice Tracking, I feel this is again a free trade issue. If a station makes poor use of voice tracking this will be reflected in poor revenues from lack of community support (ratings). Again if a station has local people using voice tracking as a means of time shifting these individuals can do a phenomenal job serving the community by being "in touch" with the community in which they live, And still being able to have normal business hours.

As to payola, I will skip comment since I know of no one who has been associated with this practice and feel employment is more important to most than offers of goods for spins.

As to License Renewal, I feel the current process could be streamlined and unless any action has been taken against a broadcaster for questionable use of the broadcast spectrum, automatic, if a licensee is able to broadcast in a consistent manner, is able to pay costs of their operation and serve the listeners in their community. I also support the Commission's rule if a station does not broadcast in for one year the license automatically expires. However I believe if that license expires it should be awarded to a licensee that would add to ownership diversity and localism, if no candidate comes forward the allocation

would then be auctioned. I am also in favor of reallocating soon to be vacated TV channels 5 and 6 for LPFM/Digital expansion. However feel the current 100 watt allocations are inadequate to provide enough listenership to sustain a quality freestanding operation. I would respectfully request a study on minimum effective radiated power level to maximize spectrum use, of course in this case leaving existing translators where they currently are allotted.

In closing, I request the Commission leave the current rules on programming as they stand, and not make changes otherwise with respect to community responsive programming, of studio location, unattended operation, voice tracking, and payola.

In my opinion localism would be best served by those broadcasters trying to operate viable businesses in the communities of which they operate. The majority of radio listeners feel they are well served, and the Commission would do well to disregard the few who have made corporate radio their target. The "few" do not realize the impacts these changes would have on independent locally owned radio stations, which we sometimes forget represent the bulk of the radio stations in this country. Bankruptcy and less diversity would likely be in the future of smaller operations if the proposed changes were made.

Thank you for your time,

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